

REMARKS/ARGUMENTS

Claims 1-8 are pending.

Claims 1, 4 and 7 are amended to clarify that the backup region is reserved to be used solely for storing a backup copy of the embedded code or embedded operating system and application. Support is found at page 5, lines 6-7 of the specification. No new matter is added.

The rejection of claims 1, 3, 4, 6 and 7 as anticipated by U.S. Patent No. 6, 459,624 to Kuo is respectfully traversed. "To anticipate a claim, the reference must teach every element of the claim." MPEP § 2131. In the present case, Kuo fails to achieve this standard.

The present invention relates to a storage server embedded code backup method and system. In accordance with amended claims 1, 4 and 7, the embedded code is stored not only in a nonvolatile programmable system memory module, but also in a backup region of a mass storage module, such that if the embedded code stored in the nonvolatile programmable system memory module is corrupted, the embedded code stored in the backup region of the mass storage can be duplicated into the nonvolatile programmable system memory module, and the storage server can still function normally. Further, since the backup region of the mass storing module is reserved to be used solely for storing a backup copy of the embedded code, other data have no chance to be stored in the backup region or overwrite the embedded code stored in the backup region, even when the mass storage module, excepting the backup region, is full.

In contrast, Kuo does not describe or even mention that a mass storage module (hard disk device 20) is partitioned to have a backup region reserved to be used solely for storing a backup copy of an embedded code. As such, when the embedded code is stored in the hard disk device 20 and the hard disk device 20 is full, data ready to be stored in the hard disk device 20 is likely to overwrite the stored embedded code. Alternatively, when the hard disk device 20 is full, the embedded code cannot be further stored in the hard disk device 20, and the storage server will malfunction if the embedded code stored in the nonvolatile programmable system memory module (main memory section 171) is corrupted. Because Kuo does not disclose or imply that a hard disk device 20 has a backup region reserved for use solely for storing a backup copy of an embedded code, Kuo fails to teach or suggest all elements of the claims. Accordingly, claims 1, 3, 4, 6 and 7 are not anticipated.

The rejection of claims 2, 5 and 8 as obvious over Kuo in view of U.S. Patent No. 6,754,767 to Gold is respectfully traversed. "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." *In re Royka*, 490 F. 2d 981, 180 USPQ 580 (CCPA 1974); MPEP § 2143.03. In the present case, the prior art does not meet this standard.

As amended, claims 2, 5 and 8 call for storing an embedded code backup copy in a backup region reserved solely for storing the backup copy. As explained above, Kuo fails to teach or suggest such a backup region. Moreover, Gold also fails to teach or suggest such a

backup region. Because the prior art fails to teach or suggest all claim limitations, claims 2, 5 and 8 are not obvious.

In view of the foregoing amendments and remarks, Applicant submits that the present application is in condition for allowance. A Notice of Allowance is therefore respectfully requested.

Applicant hereby submits its request for a three month extension of time. The Commissioner is hereby authorized to charge the fees for a three month extension of time to Deposit Account No. 50-0337.

The Commissioner is also hereby authorized to charge any fees that may be required with this paper, or to credit any overpayment of fees, to Deposit Account No. 50-0337.

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Respectfully submitted,



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